

**VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL**  
**September 1, 2010**



**10:00 AM**  
**DEQ Piedmont Office**  
**Glen Allen, VA**

**DRAFT MINUTES**

**1. Welcome and Introductions:**

Jimmy Sisson, RMDC Chair, called the meeting to order at 10:00 A.M. and welcomed the members of the Virginia Recycling Markets Development Council as well as members of the public to the meeting.

**2. Determination of a Quorum:**

Based on the attendance of the members present, Chairman Sisson declared that there was a quorum. Those who were present for some or all of the meeting are noted below:

<b>RMDC</b>	<b>Representing</b>	<b>Absent RMDC</b>	
Kevin Byrnes	Urban PDC	Michael Ward	Oil Industry
Jimmy Sisson – Chair	Recycling	Phillip Abraham,	Plastics Industry
Robert Broom	Composting Industry	John-Kemper Garrett	Glass
Bernard Harris	Waste Industry	Tom Smith	VACO
Richard Lerner	Metal Industry	VACANT	VACO
John Kline	Tires	VACANT	Aluminum Industry
Michael Benedetto	Paper Industry		
Jerome Segovia	Public at Large		
Toby Edwards	Rural PDC		
Christopher Ambrose	Glass Industry		
William Vehrs	VDBA		
William Bailey	VDOT		
Leslie Beckwith	VDEQ		
Brad Crawford	VDGS		
Steve Coe	VDEQ		

<b>Visitors</b>	<b>Representing</b>
Katie Vasquez	Virginia Recycling Association
Rich He	Covanta

**3. Approval of Agenda:**

Chairman Sisson indicated that he would like to revise the agenda start with the DEQ update since the guest speaker, Cindy Berndt, would not be there until 10:30 to discuss the Freedom of Information Act (FOIA).

#### **4. Approval of Minutes:**

Since there was not a quorum at the March 3, 2010 meeting minutes from the December 2, 2009 meeting were reviewed for approval. A motion was then made by John Kline to approve the minutes, seconded by Toby Edwards, and approved by the Council.

Minutes from the March 3, 2010 meeting were then reviewed. A motion was then by Mr. Edwards to approve the minutes, seconded by Kevin Byrnes, and approved by the Council

#### **5. DEQ Report:**

Leslie Beckwith (804.698.4123), the Director of the Office of Financial Assurance within the Waste Division of the DEQ is the replacement for Mike Murphy on the Council. She updated the Council on some changes in the DEQ organization which include moving the Tire and Recycling Programs under the Office of Financial Assurance which also manages the financial regulatory programs for Solid and Hazardous Waste, Tank, Bio Solids and Privately Owned Sewage Treatment Plant Programs.

Steve Coe then provided an update on the 2009 Recycling Rate which is nearly finalized. Mr. Coe reported that all 71 units have reported. Mr. Coe noted that in 1989 when the law mandating the recycling rate of 25% was enacted the rate applied to all units. The law was revised in 2006 establishing a 2-tier rate, 15% for low density, high unemployment units and 25% for all others. Since that time the number of units not achieving the goal has declined every year until this year when all will meet or exceed the goal. The addition of the 5% maximum credit aspect has contributed to this progress also.

Mr. Coe noted that the preliminary data from the report indicate that the solid waste disposed of is down, PRM's are about the same and Credits (though capped at 5%) are up slightly.

Mr. Byrnes asked Mr. Coe if localities that accepted items in their programs that in the end are not recycled but result in higher residue such as #3 through #7 plastic have an advantage. Mr. Coe replied that he was aware of this concern and was watching it but at this time the totals are so small as not to have a significant impact.

Mr. Byrnes asked about consideration for mandatory business reporting and Mr. Coe responded that it could be done on a local level but would not happen on a State level.

A discussion then ensued about the accuracy of the data and Mr. Coe noted that given the reporting issues he feels that the information is a good approximation but not accurate to the point of being useful for making business decisions. He indicated that the DEQ evaluates the

report data as it is received from the reporting units and investigates and significant variations from previous years to determine the validity.

Mr. Edwards asked if there any financial help from the State or elsewhere that Mr. Coe was aware for rural areas that want to recycle but are far from MRFs and markets. Mr. Coe responded that he wasn't aware of any. Mr. Byrnes suggested a review of the Virginia Private/Public Business Act to see if it would be applicable for a MRF.

## **6. Guest Speaker – Cindy Berndt:**

Mrs. Berndt discussed the Freedom of Information Act (FOIA) and how it applies to the Council. FOIA essentially calls for the open conduct of business. All meetings and records must be open to the public. Meetings must be posted 7 days in advance. Minutes must be prepared and be available for all meetings. The DEQ is the custodian of records (document, minutes, emails...) for the Council.

Council members can meet or talk one on one about Council business without it being considered a meeting and subject to posting and open to the public but anytime more than 2 Council members discuss anything, meeting, conference call etc it becomes a meeting and subject to FOIA guidelines. Ms. Berndt cautioned everyone not to hit the 'respond to all' button on emails. Sub-committees with more than 2 members are also subject to the same FOIA rules.

Kevin Byrnes asked if it was necessary for member to save 1 on 1 emails. Ms. Berndt responded that it wasn't but if there was ever a FOIA request the DEQ would ask for any available emails.

Ms. Berndt indicated that council members can not do conference call with 3 or more members but 1 on 1 phone calls are ok. Mr. Vehrs asked about Social Media, specifically Facebook. There are no specific guidelines as yet but probably not as it is can be similar to a conference call or a chatroom which is not allowed. These become meeting and the law specifies it must be a physical location.

## **5. DEQ Report (Continued):**

Mr. Coe continued his report after Ms. Berndt left by reporting on the DEQ grant from the EPA last year that was used for a food waste diversion project, creating a C & D database for the website and for a Green Highways Project (with DOT). The first two have been completed the last one was modified and the funds were used for a conference to gather information on the subject materials to be used in highways and what others are doing.

Mr. Coe then indicated that he would be giving presentations about recycling at various conferences around the state this fall. He also noted the Glass Industry will be promoting the various uses of recycled glass during upcoming Glass Recycling Week (September 12 – 18).

John Kline inquired about the proposed EPA regulations on TDF (Tire Derived Fuel) and noted that they would have an impact on recycling in Virginia. The new rules proposal to call TDF a solid waste would effectively make it unusable with existing permits for those facilities in the state currently utilizing TDF. Ms. Beckwith indicated she would provide members with DEQ's comments.

Mr. Bailey then noted a similar issue with the EPA considering changing fly ash to a hazardous or special waste. This will make it harder and more expensive to utilize it, even in beneficial projects such as highways and thus result in more being landfilled. It was noted that the comment period has been extended and it was suggested that the Council send a letter to the EPA pointing out that this proposed change would negatively impact recycling of fly ash. It was noted that because of one big problem in Tennessee where the operator ignored existing regulations (that weren't being enforced) and made *60 Minutes* these regulations were being considered.

Mr. Bailey indicated that the DOT was submitting a letter to the EPA. Mr. Bailey will draft a letter for Chairman Sisson to distribute to the Council for comment to be submitted to the EPA on the subject.

## **7. Old Business:**

Chairman Sisson referred to the discussion at the last meeting about the Council's role gathering information and publicizing the economic impact on the State of recycling, particularly in light of the fact that all reporting units met their recycling goal in 2009. Mr. Byrnes suggested that the Council also focus on stimulating recycling markets and as an example asked about other plastics and fuel markets. Mr. Coe noted that the permit regulations are currently being rewritten for bio-mass fuel.

Mr. Sisson posed the question as to whether the Council should gather and publish economic impact data or if it would be better to function as an information conduit. Mr. Byrnes suggested that the individual Council members who represented products (paper, plastic, glass...) gather information on their product to present to Council. Mr. Edwards suggested the Council look for ways to help rural areas find markets for recyclables.

It was decided that industry reps on the Council would gather available data for discussion at the next meeting. Among the information should be market trends, challenges and opportunities the industry faces, what are the market obstacles and any available economic information (jobs, taxes paid...). The information should be as Virginia specific as possible.

## **8. New Business:**

Mr. Segovia asked if there was any information available on recycling batteries from Hybrid cars. Mr. Coe noted that like the 6 and 12 volt lead-acid batteries, dealers replace the hybrid car batteries and they have a system in place to recycle them. The problem may arise when scrap dealers get the cars with batteries still in but they can get in touch the recyclers through the dealers. Steve will follow-up on this.

## **9. Public Comment:**

Ms. Vasquez reported that the VRA Membership Meeting will be held in Charlottesville at the Omni November 4 from 10 am to 3 pm.

Ms. Vasquez also noted that since the Council normally tries to comment on legislation that it might want to consider changing the meeting schedule. The early December meeting generally comes before all the legislation is filed and the March meeting is usually towards the end of the session after the comment period.

## **12. Schedule next meeting, location and adjourn:**

Chairman Sisson noted that the Council is charged with holding four meetings per year and since the June meeting was missed a meeting should be held in November as well as December. It was decided that the next meeting will be in Charlottesville November 4 from 3 pm to 5 pm in conjunction with the VRA meeting. At that time the Council may consider adjusting the next meeting schedule to accommodate the legislative schedule as Ms. Vasquez suggested. The meeting was then adjourned.